

Criminal History Records Working Group Meeting

Date of Meeting: July 26, 2012

Attendees: Chairman James Eickhoff, Wyandotte County Sheriff's Office
Jerod Bond, Juvenile Justice Authority
Dave Dunstan, ~~Salina Police Department~~ Saline County Sheriff's Office
Arlene Frederiksen, Salina Police Department
Sheri Sharp, KBI – Criminal History Records Trainer
Lisa Parrish, KBI – Ident Manager
Tammy Sisk, KBI – ISD Asst Director/Criminal History Records Supervisor
Leslie Moore, KBI – Information Services Division Director

Phone Attendees
Amy Spitler, Hutchinson Municipal Court
Melanie Waters, OJA
Jerry Bauer, KDOC

The meeting began at 1:30pm.

Prior meeting notes

Sheri Sharp moves to approve minutes from April meeting. Tammy Sisk seconds. Notes from April meeting were approved.

Updates from prior meeting

Leslie Moore said there was no news on why the Board of Nursing is requiring certified copies of court documentation after they receive the KBI rapsheet.

James Eickhoff reported that organizations are continuing to scrub information from jail calendars to post on websites or free magazines. The information includes photos, names, physical descriptors, addresses, offenses and reason for release from jail/escape information. The information is public record, but may not be accurate. They continue to reuse the information over and over again without verifying if it is still accurate. There is no way to make sure the information they post is accurate. Individuals are being charged to remove information from those websites or publications. Sometimes the website will remove it, but then re-publish the information on a new website making the person pay again to have the information removed again.

New DUI Law

Arlene Frederickson wanted the new statute for the refusal for breath test. The information was published in the new statute file.

Melanie Waters is preparing a file for district courts to submit case filings for DUI and Commercial DUI. Amy Spitler was not aware that courts were required to report case filings. Leslie Moore explained that the 2011 DUI bill, SB 6, required courts to begin submitting case filings as of July 1, 2012. Then July 1, 2013 courts were required to submit dispositions and case filings electronically.

Note: After the meeting Leslie Moore researched SB 6 and discovered the bill made different requirements for municipal courts and district courts. The bill requires municipal courts to report filings and dispositions electronically beginning July 1, 2013. The bill requires district courts to begin reporting filings by July 1, 2012 and filings and dispositions electronically by July 1, 2013.

3rd Theft in 72 hour period

Arlene also had a question on how to properly report a 3rd theft in a 72 hour period. She gave an example of a person that commits 3 thefts from 3 different stores at the mall all in one day. Amy Spitler said those would be reported as 3 regular misdemeanor thefts and the prosecutor would determine if they needed to be charged differently. Then after thinking Amy came back with if there was three separate places that was stolen from then each store would get one case number, but there would only be on charge of felony theft. Leslie Moore told Arlene that the KBI would accept the information however it was submitted and there was not requirement from KBI. KSA 21-5801 is attached.

Statute File

The statute file from the 2012 legislative session was released on July 25, 2012. There were only a handful of new crimes including the new refusal of breath test. The biggest change in the statute file is the distribution of drugs. It has been split up by measurement now. A person can be arrested by either the weight of the drug or by the quantity of doses. There were also several statutes that were added that were missing from the file. The release includes statutes that become active on January 1st and those that are repealed on December 31st so it will not have to be released again in December.

Establishment of Mission and By-Laws

James Eickhoff asked everyone to read the Mission and By-laws from the Offender Registration working group (ORWG) and come back to the next meeting for discussion. We will also establish the core members at that time. The ORWG Mission and By-laws are attached.

Misdemeanor Sex Crimes

Amy Spitler asked if there are any misdemeanor crimes that require registration. Leslie Moore and Melanie Waters both told Amy there were and that the court was required to register the person upon conviction; however, a judge can decide that other crimes may be sexually motive and require registration. Leslie Moore said the court was required to register upon Leslie Moore said she would forward the chart to everyone that explains the crimes that require registration and the registration forms. There is a short registration form for the courts to fill out. The sheriff's office does the full registration.

The next meeting will be October 11, 2012, at 1:30pm at KBI Headquarters.

If you have any ideas for agenda items for the next meeting please email James Eickhoff at JEickhoff@wycosheriff.org.

The meeting ended at 2:17pm.